

**Special and Regular Meeting of Tuesday, May 13, 2008**  
City Council Chambers, One Twin Pines Lane

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:00 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: One case - Claim of Schoening et al.: Marburger Road
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: Three cases
- C. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Dickenson, Feierbach, Wozniak, Braunstein, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Interim Human Resources Director Kirby, Labor Negotiator Kelly Tuffo, Public Works Director Davis, and City Engineer Borrmann. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:23 P.M. except Item C (Labor Negotiations), which was continued to the end of the meeting.

**Terri Cook**  
**City Clerk**

This meeting not tape recorded or videotaped.

**REGULAR MEETING**  
**CALL TO ORDER 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Assistant Public Works Director Borrmann, Police Chief Mattei, Fire Chief Fry, City Treasurer Violet, City Clerk Cook.

**REPORT FROM CLOSED SESSION**

City Attorney Zafferano stated that no action was taken during the closed sessions held earlier. It was noted that the Council would return to closed session following this evening's regular meeting.

## **SPECIAL PRESENTATIONS**

### **Swearing In of Police Officer Evan Branch and Dispatcher Tracy Jernegan**

Police Chief Mattei noted that Officer Branch was born and raised in Belmont, and served as a Community Service Officer prior to attending the Police Academy. He has a life-long investment in the community. Dispatcher Jernegan previously worked in Belmont, but left for a larger agency before deciding to return.

City Clerk Cook administered the Oath of Office, and family members of Officer Branch and Dispatcher Jernegan pinned their badges.

Councilmember Braunstein noted that Officer Branch was a former student of his.

### **HIP Housing Presentation during Affordable Housing Week**

**Laura Fanucchi**, HIP Housing, thanked the City of Belmont for its past support of HIP's programs. She noted that HIP's goals are to provide temporary and permanent housing solutions. In 2007, it served 55 Belmont residents. She noted that HIP is also involved in property development and ownership, which is managed through the San Mateo County Housing Authority.

Ms. Fanucchi described HIP's shared housing program, which has a goal of helping residents achieve self-sufficiency. She also described other housing assistance programs that are available through their organization. She noted that HIP also provides third-party counseling services for those seeking reverse mortgage information (Home Equity Conversion Program). She outlined the interview process for clientele.

### **Proclamation Declaring May 18-24, 2008 as National Public Works Week**

Mayor Lieberman presented the proclamation. Public Works Director Davis accepted the proclamation on behalf of the public works staff.

**RECESS: 7:50 P.M. (to consider the Belmont Fire Protection District and Redevelopment Agency agendas)**  
**RECONVENE: 8:10 P.M.**

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**John Violet**, Friends of Belmont Library (FOBL), announced FOBL's annual meeting to be held on May 14. He noted that the speaker for the evening would be Sr. Rosanne Murphy of Notre Dame de Namur University.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Wozniak announced that May 15 was Bike to Work Day. She also announced the recent death of Vickey Johnson, recently retired San Mateo County Library Director.

Councilmember Dickenson announced that he attended Notre Dame de Namur University's (NDNU) graduation ceremony where he presented graduating senior Mallory Barr with the Community Service Award.

Mayor Lieberman congratulated the Carlmont-Woodside High School Robotics team for reaching the quarter finals in the national tournament. He noted their robot would be featured in San Carlos's Hometown Days Parade on May 17. He also announced an upcoming workshop to assist those who are interested in being appointed to a board or commission. He congratulated the graduating class at NDNU. The Belmont Parks and Recreation Department's first Mother/Son Bowling event, to be held on May 16, was sold out. He described the activities that would be taking place at the May 17<sup>th</sup> Garden Fair in Twin Pines Park. He noted that the Weather Service had issued a hot weather alert for the remainder of the week.

### **AGENDA AMENDMENTS**

City Clerk Cook advised that a member of the public requested the removal of Item 4-E (Resolution Approving Establishment of Samtrans Bus Stop(s) on Hiller Street and Authorizing a 50-Foot No Parking Zone between 6:30am and 6:30pm Monday through Friday) from the Consent Agenda for separate discussion. Councilmember Feierbach requested the removal of Item 4-I (Resolution Authorizing Extended Construction Hours for the PG&E Rule 20A Project on Old County Road) for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of April 8, 2008, Special and Regular Meeting of April 22, 2008; and Special and Joint Meeting with the Planning Commission of April 29, 2008

**Acceptance of** Written Communication: 1) Received April 17, 2008, PUC Notification of PG&E Application Filing for Approval for Recovery in Rates Associated with the Valuation of its Hydroelectric Generation Assets

**Approval of** Resolution 10007 Amending City Council Protocols

**Approval of** Resolution 10008 and 10009 Approving a Permanent Encroachment Agreement to Allow a Retaining Wall within the Public Right-of-Way at 2810 Belmont Canyon Road (APN: 043-072-650) and 2820 Belmont Canyon Road (APN: 043-072-290)

**Approval of** Resolution 10010 Authorizing the City Manager to Execute a Contract to Ranger Pipelines, Inc. for the Slip Lining Project at 2602 Monserat Avenue and 2410 Palmer Avenue, City Contract Number 494

**Approval of** Resolution 10011 Authorizing Payment to Telstar Instruments, Inc. for Emergency Pump Repairs at the San Juan Sewer Pump Station for an Amount not to Exceed \$33,446.73

**Approval of** Resolution 10012 Authorizing Approval and Execution of a Joint Exercise of Powers Agreement, South Bayside System Authority, Supplemental Agreement V

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a show of hands.

## **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

### **Resolution Approving Establishment of Samtrans Bus Stop(s) on Hiller Street and Authorizing a 50-Foot No Parking Zone between 6:30am and 6:30pm Monday through Friday**

**Frank Yim**, Belmont resident, expressed concern regarding the location of the proposed bus stop, which is in the vicinity of where students are dropped off for Nesbit School. He questioned why this stop was needed when there was another bus stop located 150 feet away. He suggested moving the bus stop to inside of the school property. He noted there is heavy traffic in the morning, which will back up because of the proposed bus stop.

Public Works Director Davis responded that the proposal was to relocate the existing bus stop to accommodate a disabled rider who works at Nesbit School. The proposed site is on the exit side of the intersection, which meets industry safety standards.

Councilmember Feierbach requested that this matter be continued to allow for a site visit in the morning to observe traffic patterns.

In response to Councilmember Wozniak, Public Works Director Davis clarified that the burden is on Sam Trans to provide transportation for the disabled worker, and Redi-Wheels was an option. He noted it is more cost effective to relocate the existing bus stop and transport the worker on a regular bus route. There would be a safety issue if the bus were to be routed through school property. The proposed location is the safest.

Councilmember Dickenson recommended that this matter be referred to the Green Advisory Committee.

Council concurred to postpone this item at this time for further analysis.

### **Resolution Authorizing Extended Construction Hours for the PG&E Rule 20A Project on Old County Road**

Public Works Director Davis stated that Councilmember Feierbach noted there was no expiration date included in the resolution. Council could take action on an amended resolution to add the expiration date of August 15, 2008.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 10013 Authorizing Extended Construction Hours for the PG&E Rule 20A Project on Old County Road was unanimously approved, as amended, by a show of hands.

## **HEARINGS**

### **Public Hearing to Consider an Ordinance Amending Article 4 of Chapter 21 of the Belmont Municipal Code Relating to Sewer Charges and Adopting a Schedule of Sewer Charges to be Effective Beginning Tax Year 2008-09**

Mayor Lieberman opened the Public Hearing.

**Eloise Mayo**, Belmont resident, stated that many residents have undertaken water conservation efforts. The proposal provides for a reduction for high-end users, with low-end users bearing the brunt of the increase. Water conservation should be a variable into the rate-setting methodology.

**Ralph Stark**, Belmont resident, noted that Belmont requires owners to maintain sewer laterals. He noted that other cities do not have this same requirement, as they do not want people digging in the right-of-way.

**Jean Au**, Belmont resident, expressed concern for rising taxes. She noted her sewer tax amount is almost the same as her property tax. Her water use has been high recently, and the water department has checked the meter.

**Sean Brennan**, Belmont resident, inquired whether a recent article in the San Mateo Times referenced the proposed rate increase, or addressed some other issue. He stated he is on a fixed income, and when fees go up, his income goes down.

Mayor Lieberman responded that the news article likely addressed the capital project issue at the treatment plant operated by the South Bayside Systems Authority (SBSA). He explained that Belmont's system transports waste, and SBSA's system treats the waste.

**Gladwyn D'Souza**, Belmont resident, stated that water conservation should be encouraged.

**Shomir Wong**, Belmont resident, stated that the proposal is unfair to those who conserve and are on a fixed income.

Finance Director Fil noted that residents will pay the same amount per unit, but that there are two commercial rates, one for low-strength, the other for high-strength. He explained the fixed rate and the flow charges. He described the public outreach that was performed regarding this matter, including a mailing to property owners, notification through the Chamber of Commerce and the Neighborhood Associations, staff responses to letters, information on the City's website, press information, and a town hall meeting at the Library.

Finance Director Fil clarified that 4,127 protests were required to stop the proceedings, which represent a simple majority of the number of parcels affected. He noted that there were no rate increases the previous year, and 8.5 percent is the aggregate increase proposed for this year. He clarified that the rate-setting methodology is proposed to change from flow-based only to a combination of fixed plus flow-based.

**John Farnkopf**, Consultant, stated that prior to the year 2000, sewer rates were set as a flat rate for all parcels, which was unfair to low-water users. At that time the rate structure was changed to flow-

based. There are many options available regarding how to determine sewer rates. The flow-based billing method required water use data from Mid-Peninsula Water District, and the revenues changed each year because of fluctuations in water use. Water conservation drove water use down, which resulted in lower revenues. During last year's hearings, the City Council proposed a hybrid billing system to include both a fixed rate and a flow component. With the change to this methodology, low water user's bills will be higher for the first year, and there is no way to avoid this. He noted that for the past eight years, low users were not paying their fair share of the fixed costs involved with the program. This is a one-time, first-year impact, and this new billing method will create a new base line. He clarified that some users will see a reduction in their invoices.

In response to Council questions, Finance Director Fil noted that staff analyzed sewer bills based on the proposed new structure, and the highest rate increase will be just over 50 percent. There is no funding available for seniors on fixed incomes, but options for payment could be explored, and some circumstances may warrant a reduction if a request is made.

Councilmember Wozniak stated that some will experience a dramatic increase in their bill, and she expressed support for some relief for certain circumstances.

In response to Councilmember Braunstein, Finance Director Fil stated that the future capital needs at SBSA's plant will have a significant impact on rates in subsequent years, which could result in a doubling of fees. He described the problems with Belmont's infrastructure, and the need to repair or replace existing sewer lines. He outlined the various funding mechanisms, including previous bond issuances, as well as potential new bonds. The average increase has been approximately 10 percent over the past several years, and last year there was no increase, which, for some, resulted in a decrease in their sewer bill.

In response to Councilmember Feierbach, Public Works Director Davis stated that if rates are not raised, there will be no money available to address the infrastructure needs. The system will fail, sewage would overflow, fines would incur, but the City would still need to fix the problem. Costs for repairs would be higher if they are done as an emergency rather than approaching the problem proactively, as has been the practice. He noted there have been fewer overflows since the City undertook the major capital improvements throughout the past five years.

Mr. Farnkopf noted that the billing methodology is intended to be revenue-neutral.

Mayor Lieberman explained that this is an investment in a capital program, and the goal is to raise a specific amount of money, with an allocation made among all users. He provided examples of differences in the billing structure.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands.

City Clerk Cook noted that she had received protests representing 60 parcels. Mayor Lieberman noted that there were insufficient protests received to halt the process, and Council could proceed in its discussion regarding the proposed increase in rates.

Councilmember Feierbach stated that Belmont has an aging sewer infrastructure, and there are no other options. She does not like raising fees and expressed concern regarding those on limited income. She would support options for assistance. Seniors cannot be exempt simply because they are seniors, as other rate-payers would have to make up the difference.

Councilmember Wozniak stated that there is a need to increase the rates. She supports exploring options for those on low or fixed incomes, such as a lien against the future sale of a home. She expressed concern that the base rates are the same for low and high-end users.

Councilmember Braunstein noted that the Town Hall meetings were held with the intent to give perspective on this issue. The roads need work, and water rates will increase. Repairs to the infrastructure have been deferred over the years. He noted that City Council members have to pay the increase just like everyone else. Raising the rates is the responsible thing to do.

In response to Councilmember Dickenson, Finance Director Fil noted that all SBSA members have different rate structures.

Discussion ensued regarding future bonds and the capital improvement program.

Mayor Lieberman stated that sewer fees are used to rehabilitate the system and are not directed to other projects or operations. It is not likely that the City is doing more than required to repair and upgrade its infrastructure. The issue is who pays, and how much. He did not support the previous rate structure. He shares the concerns expressed regarding low-flow users bearing the brunt of this first-year change in the rate structure. He supports exploring options for hardship cases.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and approved by a roll call vote (4-1, Dickenson no), to introduce an ordinance Amending Article 4 of Chapter 21 of the Belmont Municipal Code Relating to Sewer Charges and Adopting a Schedule of Sewer Charges to be Effective Beginning Tax Year 2008-09, to waive further reading, and to set the second reading and adoption for May 27, 2008.

**RECESS: 9:40 P.M.**

**RECONVENE: 9:50 P.M.**

**Public Hearing to Consider an Ordinance Amending Article One of Section 22 of the Municipal Code for Major and Unusual Encroachments on Public Right-of-Way**

Public Works Director Davis stated that this proposed ordinance amendment was brought forward as a result of previous Council direction to amend the existing ordinance addressing encroachments. There is no public benefit if a retaining wall or a fence is built solely to increase private property's

usable space. The proposed amendment captures what has been in practice. It allows the Public Works Department to administratively approve encroachments which existed prior to the adoption of the ordinance, and streamlines the permit process. New encroachments will be approved by the City Council.

Councilmember Feierbach suggested that email notification be made to City Council when administrative approvals are granted, similar to the procedure used for administrative building permit approvals. She clarified that no notification would be needed if the permit is granted for emergencies.

City Attorney Zafferano noted that there were some minor edits in grammar to be made to the ordinance language.

Councilmember Wozniak requested that a photo or schematic design be included when administrative notification is made to City Council.

Community Development Director de Melo noted that the municipal code provides guidance for design of various encroachments. He clarified that administrative approvals are considered only for replacement of existing encroachments, not for new encroachments.

Public Works Director Davis clarified that the proposed ordinance simplifies the procedure.

Mayor Lieberman opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Dickenson, seconded by councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, and unanimously approved by a show of hands to introduce by title an ordinance Amending Article One of Section 22 of the Municipal Code for Major and Unusual Encroachments on Public Right-of-Way, amended to include notification of administrative approval to City Council unless it is for an emergency repair, and to include language to require that encroachments conform to design guidelines outlined the Municipal Code, to waive further reading, and to set the second reading and adoption for May 27, 2008.

(Reconvene Redevelopment Agency Meeting.)

**Public Hearing to Consider a Resolution Approving the Funding of a Portion of the Manor House Restoration (Health and Safety Code, Section 33445 Findings and Related CEQA Findings), and Resolution Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$477,000, Approving a Construction Contingency not to Exceed \$47,700, and**



**Authorizing the City Manager to Execute a Contract for the Reorientation of the Bathroom and Minimal Painting and Repair, Manor House Restoration Project, CCN 483**

Public Works Director Davis stated that the City Council approved plans and specifications for removal of the penthouse and repair roof structure in October of 2007. Discussion ensued at the time regarding additional improvements to the building, including exterior repainting, and a reorientation of the restrooms. The building will have its centennial celebration in October of 2008. It would be more cost-effective to do the entire project as one contract. He noted that bee removal is under way.

Councilmember Feierbach stated that although it is not under consideration at this time, during the upcoming budget process she would like to review the tenants for this building, as most are not Belmont residents.

Mayor Lieberman opened the Public Hearing.

**Ruth Waters**, Peninsula Museum of Art, explained that the Museum is the City's tenant, and she acts in the capacity of property manager. She noted that a list of restoration work performed over the years was provided in the staff report. She described the uses of the building, including the rental of studios on the second floor. All maintenance has been performed by volunteers except when certain expertise was required. She described some future projects, and noted that much of the work has been deferred over the years.

In response to Council questions, Ms. Waters clarified that immediate needs have been addressed first, and other work has been done as time permits. She noted that the Belmont Historical Society intends to file for National Historic Registry once the penthouse has been removed and the building restored. Fundraising for additional work could ensue once the historic status has been determined, as the building could be eligible for grants or other funding. Regarding the tenants, she noted that rents have been increased annually based on the Consumer Price Index. She clarified that the intent is to provide space for quality artists, not just for those who can pay.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands.

Councilmember Wozniak stated there is a need to maintain this historic structure, and she supports the proposed resolution.

Mayor Lieberman stated there is a high cost associated with this key historic structure, and he would have preferred to undertake fundraising to pay for some of these repairs. He had a discussion with the city attorney regarding the determination of blight in order to qualify using redevelopment monies. The City is fortunate to have these monies available. He would support a future discussion regarding the use of this building as well as rental income.

In response to Councilmember Braunstein, Public Works Director Davis noted that staff explored the availability of grants, which are not available due to the lack of historic designation of the building.

Discussion ensued regarding the breakdown of funding sources for the proposed scope of work.

Public Works Director Davis noted that the previous City Council discussed this project at length, and options were explored. Specific projects such as the penthouse removal, wall restoration, and removal of the back stairway were identified as the minimum necessary to meet the deadline of the centennial celebration. In addition, there is a desire for an accessible public restroom within the interior of the building, which is currently not available. Any further delays could hamper the ability to complete the work in time for the celebration.

**ACTION:** Councilmember Wozniak made a motion, seconded by Mayor Lieberman, to approve the resolution as presented.

Councilmember Dickenson expressed concern that Council had just taken action to increase the sewer rates and now was being asked to expend money for this project. He respects the historic celebration of the Manor House, but wants to be prudent with expenditures.

**MEETING EXTENSION:** at this time, being 10:40 p.m., on a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the meeting was unanimously extended for 30 minutes by a show of hands.

Public Works Director Davis noted that removing the restroom from the scope of services would reduce the project by \$100,000.

Councilmember Dickenson suggested giving authority to two Councilmembers to work with staff to reduce the project, as a means of expediting.

City Attorney Zafferano clarified that Council cannot delegate authority, it can only give direction.

Mayor Lieberman reopened the Public Hearing.

**Ruth Waters**, Peninsula Museum of Art, described the restroom facilities, and noted that the one restroom currently available within the building is not handicapped accessible. She supports the formation of a subcommittee and is willing to participate.

City Attorney Zafferano noted that accessibility issues are the primary consideration for including the restrooms in this project. He recommended continuing the hearing, and noted there are several actions that need to be taken in conjunction with this project.

Mayor Lieberman expressed his support for the proposal as is, and he called for the question on the original motion.

**ACTION:** On the motion made earlier by Councilmember Wozniak, seconded by Mayor Lieberman, to approve the resolution as presented, motion failed by a roll call vote (2-3, Braunstein, Feierbach, Dickenson no).

Council concurred to continue the hearing to May 27, 2008 and to appoint Councilmembers Wozniak and Braunstein as subcommittee members to work with staff to seek alternatives in reducing the scope of the project.

**RECESS:** 10:50 P.M. (to consider one additional item on Redevelopment Agency agenda)

**RECONVENE** 11:10 P.M.

### **OLD BUSINESS**

#### **Discussion and Direction Regarding Public Works Performing Slurry Sealing of Roadways in the City of Belmont Using In-House Staff**

This item was continued to the meeting of May 27, 2008.

### **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

#### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Mayor Lieberman noted that Councilmember Feierbach would participate in the final round of interviews for the Parks and Recreation Director position.

#### **Consideration of a Resolution Adopting a Ban on the Use of Disposable Plastic Water Bottles at Public Meetings in City Hall**

This item was continued to the meeting of May 27, 2008.

#### **Verbal report from City Manager**

City Manager Crist invited Councilmembers to participate in the City booth at the Garden Faire on May 17.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

City Clerk Cook noted that Jan Frederickson, a member of the audience who already left the meeting, requested that brochures on chloramines be forwarded to the City Council.

**ADJOURNMENT** at this time, being 11:15 P.M., to Continued Closed Session.

### **CONTINUED CLOSED SESSION**

REGULAR MEETING

May 13, 2008

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C. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Dickenson, Feierbach, Wozniak, Braunstein, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Interim Human Resources Director Kirby, Labor Negotiator Kelly Tuffo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 12:30 A.M.

**Terri Cook  
City Clerk**

Council Meeting Tape Recorded and Videotaped  
Audio Recording 698. (Closed not tape recorded or videotaped.)